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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/427,819	10/27/1999	ENGELBERTUS VAN WILLIGEN	PHN-17.166	3807

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

NOBAHAR, ABDULHAKIM

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/427,819

Applicant(s)

VAN WILLIGEN, ENGELBERTUS

Examiner

Abdulahakim Nobahar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. This communication is in response to applicant's amendment received on August 24, 2005.
2. Amendments to claims 1 and 3-7 are acknowledged.
3. Applicant's arguments have been fully considered but they are not persuasive.
4. Applicant, on page 6, 2nd paragraph of remarks argues that: Applicants can find nothing in Hrastar that describes, teaches or implies the limitations of; "the subscriber terminal includes an authorization server using the internet protocol gateway to enable a request of one or more of a plurality of services, the authorization server to check the entitlement of the subscriber to the one or more of a plurality of services to be provided by the information server, and not a communication link used, and the authorization server is configured to enable the subscriber to access said one or more plurality of services, wherein each requested service can be authorized separately".

In response to applicant's arguments, the recitation "the subscriber terminal includes an authorization server" contradicts the specification and introduces a new matter into the claim 1. According to the specification, see, for example, Fig. 1, page 3, lines 29-34, page 4, lines 29-32, page 5, lines 1-8 and

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page 5, lines 20-26, the subscriber terminal and the authorization server (i.e., RADIUS server) are two different entities located on two sides of the gateway and the proxy device. The specification describes, see Page 4, lines 26-28, that RADIUS functionality is added to the subscriber terminal not an authorization server. Moreover, the currently amended claim 1 is inconsistent with the recitation of claims 5-7.

5. Applicant, on page 6, last paragraph of remarks argues that: "... Hrastar teaches a point-to-point protocol (PPP) link establishment. As noted the specification of the present invention, see page 1, line 19-24, a point-to-point (PPP), which is described in RFC 1661 and RFC 1994 is not suitable for providing for authentication and authorization for different services, because PPP only provides for authentication and authorization of a communication link."

In response to above argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

6. In light of the above submission examiner maintains the rejection of the claims and the following is a new rejection of the claims in view of the claim amendments.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 1, this claim recites "the subscriber terminal includes an authorization server" and also recites "...not a communication link used..." These recitations are not described in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding claim 3, this claim recites "wherein said request comprises information about at least one source IP address from which IP packets are passed to the subscriber station" which is inconsistent with claim 1. Because according to claim 1, the subscriber terminal sends the request to the information server. Thus, the source of the transmitted packets is the subscriber terminal not the destination of the packets.

Regarding claim 10, this claim recites "...said message comprises information about at least one destination P address to which IP packets from the subscriber station are passed." This recitation is not consistent with the claim 7, because according to claim 7 the message is sent from the authorization server to the gateway to allow the subscriber station to receive services. Thus, the subscriber station is the eventual services' packets destination and does not transmit the packets to another destination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 3-7 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Hrastar et al (6,272,150 B1) (hereinafter Hrastar).

Referring to claim 1, Hrastar discloses:

A broadcast network comprising an information server coupled to an Internet protocol gateway. See, for example, col. 3, lines 22-29; col. 6, line 65-col. 7, line 27.

A plurality of subscriber terminals coupled to the Internet protocol gateway, the subscriber terminals for receiving broadcast signals from the information server. See, for example, Fig. 1; col. 8, lines 5-16; col. 8, lines 28-67.

A return channel for transmitting information from a subscriber terminal to a head-end. See, for example, col. 3, lines 22-29; col. 7, lines 16-27.

Authentication means coupled to an internet protocol gateway, the authentication means for authorizing the access of the subscriber terminal to interactive services. See, for example, col. 9, lines 25-34.

Wherein the subscriber terminal includes an authorization server using the internet protocol gateway to enable a request of one or more of a plurality of services, the authorization server to check the entitlement of the subscriber to the one or more of a plurality of services to be provided by the information server, and the authorization server is configured to enable the subscriber to access said one or more plurality of services. See, for example, col. 9, lines 21-49 and col. 16, lines 37-61. Based on the specification, examiner assumed that the subscriber terminal and the authorization server are two separate entities. Also the "and not a communication link used" would be addressed upon the applicant's response to the claim 1 rejection under 35 U.S.C. 112, first paragraph above.

wherein each requested service can be authorized separately, see col. 9, lines 20-33; col. 19, lines 44-51.

Referring to claim 3, Hrastar discloses:

The broadcast network according to claim 1, wherein said request comprises information about at least one source IP address from which IP packets are passed to the subscriber station. See, for example, column 4, lines 55-65. Examiner assumed that the subscriber station transmits the request to be consistent with claim 1 and thus the subscriber station is not the destination.

Referring to claim 4, Hrastar discloses:

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The broadcast network according to claim 1, wherein said services are transmitted using IP packets, and in that said request comprises information about at least one destination IP address to which IP packets from the subscriber station are passed. See, for example, column 4, line 53-col. 5, line 107 and col. 6, line 64-col. 7, line 4.

Referring to claim 5, Hrastar discloses:

A subscriber station for receiving broadcast signals. See, for example, col. 6, line 64-col. 7, line 4.

Said subscriber stations being arranged for transmitting information via a return channel to a head-end. See, for example, col. 3, lines 22-29, col. 7, lines 16-27 and col. 9, lines 10-14.

Wherein the subscriber terminal comprises authorization transmitting means for transmitting authorization request messages to an authorization server. See, for example, col. 7, lines 16-27 and col. 9, lines 21-25.

The subscriber further being arranged for receiving authorization messages from the authorization server. See, for example, column 9, lines 25-30.

And in that the subscriber station is arranged for requesting services from the head-end after receiving a positive authorization message. See, for example, column 8, lines 11-16 and column 9, lines 25-30.

wherein each requested service can be authorized separately, see col. 9, lines 20-33; col. 19, lines 44-51.

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Referring to claim 6, Hrasta discloses:

A gateway for passing, information from an information server to at least one subscriber terminal. See, for example, column 8, lines 11-16 and column 8, lines 62-67.

Wherein the gateway is arranged for requesting one or more of a plurality of services to an authorization server using protocol network, and in that the gateway is arranged for enabling the subscriber to access the one or more of a plurality of services in response to an authorization message received from the authorization server. See, for example, column 9, lines 20-30.

wherein each requested service can be authorized separately, see col. 9, lines 20-33; col. 19, lines 44-51.

Referring to claim 7, Hrasta discloses:

A method comprising transmitting broadcast signals to at least one subscriber station and transmitting information from the subscriber terminal to a head-end. See, for example, col. 3, lines 22-29, col. 7, lines 16-27 and col. 9, lines 10-14.

Method further comprises authorizing the access of the subscriber terminal to available services. See, for example, column 9, lines 25-47.

Wherein the method comprises a subscriber terminal sending a request for one or more of a plurality of services to an authorization server, checking the entitlement of the subscriber terminal to the one or more of a plurality of services to be provided and in that the method comprises transmitting information to the

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subscriber terminals via an internet protocol gateway, and enabling the subscriber to access said one or more of the plurality of services by transmitting a message to the gateway to grant said subscriber access to said services See, for example, column 8, lines 11-16, column 8, lines 62-67, col. 9, lines 21-49 and col. 16, lines 37-61.

wherein each requested service can be authorized separately, see col. 9, lines 20-33; col. 19, lines 44-51.

Referring to claim 9, Pinder discloses:

Method according to claim 7, wherein said message comprises information about at least one source IP address from which IP packets are passed to the subscriber station. See, for example, col. 4, lines 55-65.

Referring to claim 10, Pinder discloses:

Method according to claim 9, wherein said services are transmitted using IP packets, and in that said message comprises information about at least one destination IP address to which IP packets from the subscriber station are passed. See, for example, col. 4, line 53-col. 5, line 107 and col. 6, line 64-col. 7, line 4.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 571-272-3808. The examiner can normally be reached on M-T 8-6.

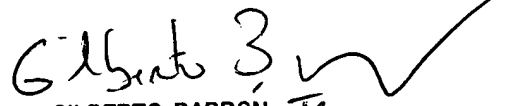
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdulahakim Nobahar
Examiner
Art Unit 2132 

November 1, 2005


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